

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

02 APR 18 PM 12:19

ELIZABETH RUSSELL, an infant
who sues through her next friend
and father, FRED W. RUSSELL,

Plaintiff

vs.

FORD MOTOR COMPANY,
TRW, INC., an Ohio corporation,

Defendants.

dc U.S. DISTRICT COURT
N.D. OF ALABAMA

C

CASE NUMBER: CV-01-1759-S

**MOTION TO COMPEL DATA BASE SEARCH
OF FORD CONCERNING RCF-67 SEATBELT BUCKLE**

Plaintiffs move this Honorable Court to compel Defendant, Ford Motor Company, to permit Plaintiffs in this case to conduct the same search of Ford's relevant data bases and data base material that have already been ordered produced by a Circuit Court in the State of Wisconsin. By granting this Motion, Ford will not be put to any trouble whatsoever since they are already ordered to produce the search, and granting this Motion will avoid duplication of discovery efforts over the exact same seatbelt buckle (RCF-67) that is involved in the instant case. Plaintiffs attach as the Order entered April 12, 2002, which is incorporated by reference (attachment A).

R. Ben Hogan, III (ASB-6951-N69R)

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing by U. S. Mail, properly addressed and first class postage prepaid upon the attorneys of record in this case as indicated below on this the 17th day of April, 2002.

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A handwritten signature in black ink, appearing to read "David R. Reed, Esq.", is positioned above a horizontal line. Below the line, the words "OF COUNSEL" are printed in a small, capital-letter font.

COPY

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

PORTAGE COUNTY

ANTON and SHARON RAMCZYK,

Plaintiffs,

vs.

FORD MOTOR COMPANY,
BLUE CROSS & BLUE SHIELD UNITED
OF WISCONSIN and LINDA L. STEWARD,

Circuit Court Portage County, Wis.
FILED

APR 12 2002

BERNADETTE A. FLATOFF
CLERK OF COURT

Case No.: 97-CV-317

Defendants.

**ORDER ON PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF
DATA BASES AND SEARCH METHOD RELATED TO COURT'S
ORDER OF MARCH 27, 2002 ON FORD'S DATA BASES**

This matter came on for further consideration by this court. The plaintiffs appeared by their attorneys, Anderson, Shannon, O'Brien, Rice & Bertz, by Russell T. Golla, and by Denney & Barrett P.C., by Richard L. Denney. Ford Motor Company appeared by its attorneys, Donohue, Brown, Mathewson & Smyth, by John Coleman and Mark M. Burden, and by Office of General Counsel Attorney Gary Hayden, and by Everson, Whitney, Everson & Brehm, S.C., by Peter J. Hickey. Blue Cross and Blue Shield United of Wisconsin appeared by its attorneys, Fellows, Piper & Schmidt, by Robert E. Neville. This court, upon being advised that the parties have not been able to reach an agreement on how to proceed with production of Ford's relevant data bases and data base material and a method of searching the same, and consistent with a Stipulation entered into between the parties in the state of Texas, District Court of Hidalgo

County, Case of *Garcia v. Ford Motor Co.* and the parties' Stipulation and Order therein, copies of which are attached hereto, hereby orders that:

The information, materials, documents and things, including the substance and content thereof contained in Ford's data bases, including, but not limited to, those referred to as MORS I, II and III, CQIS, Lessons Learned, General Counsel's Interactive Case Management Data Bases System and all other data bases which contain OSI or other similar incident material regarding claims involving RCF-67 type buckles shall be provided to the plaintiffs in the following manner:

1. The searches will be restricted to restraint systems in automobiles or trucks with the RCF-67 buckle contained therein;
2. Ford will:
 - a. Bring on-line all archived data;
 - b. Provide a computer terminal connected to the databases including all data archived or current;
 - c. Provide a knowledgeable computer operator with regard to the data bases and archived data and type of data storage devices being accessed;
 - d. Provide manuals or documents which distinctly describe the methods of access of data, downloading and also printouts of the MORS I, II and III and all CQIS data bases; and
 - e. Provide the "condition" or "symptom" codes and all other codes necessary to conduct the searches on the data bases;
3. Plaintiffs' experts will direct what searches they want run by the Ford computer operator;

4. Plaintiffs' experts and counsel may be present during the search runs and will be able to view the data on the computer terminals;
5. Plaintiffs will designate the data which they wish to have downloaded and/or printed;
6. The output data and documents will then be made electronically or computer accessible with downloaded capability and in hard copy and will be delivered to the Plaintiffs and their experts;
7. If Ford believes any of the designated documents and items are privileged, they will segregate those items and present just those items to the court for in camera review;
8. Ford will make production on or before April 19, 2002 at times and locations as agreed to by counsel.

Dated at Stevens Point, Wisconsin, this 10 day of April, 2002.

BY THE COURT:

/s/

Honorable John V. Finn
Circuit Court Judge, Branch 2
Portage County, Wisconsin

CAUSE NO. C485798F

ISRAEL GARCIA, SR., et. al.,) IN THE DISTRICT COURT OF
Plaintiffs,) HIDALGO COUNTY, TEXAS
vs.) 332ND JUDICIAL DISTRICT
FORD MOTOR COMPANY, et. al.,)
Defendants.)

STIPULATION AS TO PLAINTIFF SEARCH AND SEARCH METHOD
RELATED TO COURT'S ORDER ON FORD'S MORS & COIS DATA BASES

The parties hereby stipulate as follows:

The parties have been ordered to confer and develop a methodology to comply with the Court's Order of January 10, 2001, and they have announced an agreement and with the consent of counsel for the Plaintiffs and counsel for the Defendant Ford Motor Company ("Ford"),

The information, materials, documents, and things, including the substance and content thereof contained in the Defendant's data bases containing OSI or Other Similar Incident material referred to as MORS I, II, and III, and all COIS data bases systems with regard to the RCF-67 type buckle will be provided to the Plaintiffs in the following manner:

1. The searches will be restricted to restraint systems in automobiles or trucks with the RCF-67 buckle contained therein;
2. Ford will provide:
 - a. Ford will bring on-line all archived data;
 - b. A computer terminal connected to the databases including all data archived or current;
 - c. With a knowledgeable computer operator with regard to the databases and archived data and type of data storage devices being accessed;

- d. Manuals or documents which distinctly describe the methods of access of data, downloading and also printouts of the MORS I, II, and III, and all CQIS data bases; and,
 - e. The "condition" or "symptom" codes and all other codes necessary to conduct the searches on the data bases;
3. Plaintiffs' experts will direct what searches they want run by the Ford computer operator;
4. Plaintiffs will be present during the search runs and will be able to view the data on the computer terminals and may have experts present at the time of the computer access;
5. Plaintiffs will designate the data which they wish to have downloaded and/or printed;
6. The output data and documents will then be made electronically or computer accessible w/ download capability and in hard copy, and to be delivered to the Plaintiffs and their experts;
7. If Ford believes any of the designated the documents and items are privileged they will segregate those items and present just those items to the Court for in camera review.
8. Ford will make production as agreed to by counsel.
9. It is further stipulated that the Court may issue it's Order reflecting this stipulation.

SO STIPULATED, this 23 day of January 2001.

By:


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CAUSE NO. C485798F

ISRAEL GARCIA, SR., et. al.,) IN THE DISTRICT COURT OF
Plaintiffs,) HIDALGO COUNTY, TEXAS
vs.)
FORD MOTOR COMPANY, et. al.,) 332ND JUDICIAL DISTRICT
Defendants.)

ORDER

Plaintiffs' Motion to Compel and Motion for Hearing to Conduct an In-Camera Review of Certain Documents and Tangible Items Withheld by Defendant and Defendant's Motion to Quash and for Protection [sic] Plaintiffs' Notice to Take Depositions of Jerome Drouillard and John Mavis and Plaintiffs' Motion for Sanctions and to Compel Attendance of Witnesses for Depositions came on for hearing before this Court on January 10, 2001. The Court having examined the pleadings, the deposition testimony of Don Breske and Roger Burnett of Ford Motor Company, the Steve Amadore memo and the National Highway Traffic Safety Administration ("NHTSA") inquiry with Don Breske's notes, finds:

1. The Defendant's data bases containing OSI or Other Similar Incident material referred to as MORS I, II, and III, CQIS, and General Counsel's Interactive Case Management Data Base System contain claims evidencing notice of defect claims of the RCF-67 buckle.
2. The General Counsel's Interactive Case Management System was used by the Defendants to screen case files and produce information to the National Highway Traffic Safety Administration ("NHTSA") during the official 1992 inquiry into inertial unlatch.
3. The Court having examined the sworn testimony of Messrs. Breske and Burnett and above-referenced documents finds that the MORS I, II, and III, CQIS, and General Counsel's

Interactive Case Management Data Base System should be produced for examination by Plaintiff's experts with regard to RCF-67 seat belt buckles referenced therein, immediately,

IT IS THEREFORE, ADJUDGED, AND DECREED that MORS I, II, and III, CQIS, and General Counsel's Interactive Case Management Data Base System be produced for examination by Plaintiff's experts with regard to RCF-67 seat belt buckles referenced therein, immediately.

SO ORDERED, this _____ day of January, 2001,

Judge Mario Ramirez
Judge of the District Court

Approved as to Form: Only 485

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